

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen Gyor AICP, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** October 15, 2013

**SUBJECT:** BZA Case 18638, variance and special exception request to allow the construction of a new residential building in the ARTS/C-3-A District located at 1456-1460 Church Street NW

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exceptions:

- § 411 Roof Structures (8 ft. 6” height and uniform height required, 14ft. in height and multiple heights proposed).
- § 774 Rear Yard (15.6 feet existing, 13.5 feet proposed); and
- § 1902 ARTS Overlay Setback (roof structure exceeding a height of 83.5 feet above the measuring point used for the building);

OP recommends **approval** of the following variances:

- § 2101.1 Parking (0 spaces existing, 19 spaces required, 0 spaces proposed); and
- § 2604.2 Lot Occupancy (32% existing, 80% permitted, 85% proposed).

**II. LOCATION AND SITE DESCRIPTION**

Address	1456-1460 Church Street NW
Legal Description	Square 209, Lot 65, 66, & 67
Ward	2
Lot Characteristics	The south half of Square 209 is bounded by Church Street to the north, 15 <sup>th</sup> Street to the west, P Street to the South, and 14 <sup>th</sup> Street to the east. The Subject Property is approximately 3,420 square feet and improved with three nineteenth century buildings. A ten foot wide alley is located at the rear of the Property.
Zoning	ARTS/C-3-A
Existing Development	Three story row-dwellings, permitted in this zone.
Historic District	Greater 14 <sup>th</sup> Street Historic District and Uptown Arts Overlay



Adjacent Properties	The Subject Property abuts a seven-story residential building to the east, and a seven-story residential building (which steps down to four stories immediately adjacent to the Site) that faces 15 <sup>th</sup> Street to the west. Across Church Street is a parking lot.
Surrounding Neighborhood Character	The Subject Property is located less than one block from 14 <sup>th</sup> Street NW, and less than two blocks from Logan Circle. The neighborhood includes a wide variety of high-density commercial, residential, and mixed-use buildings.

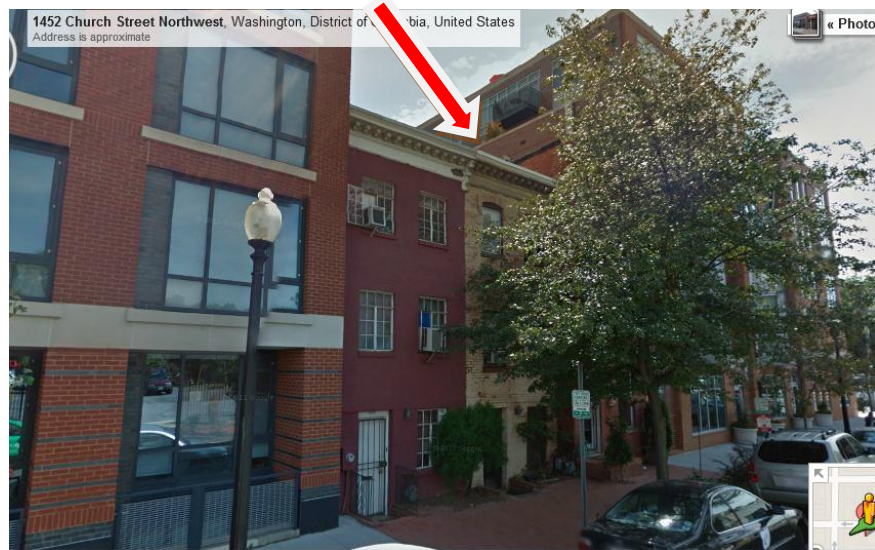
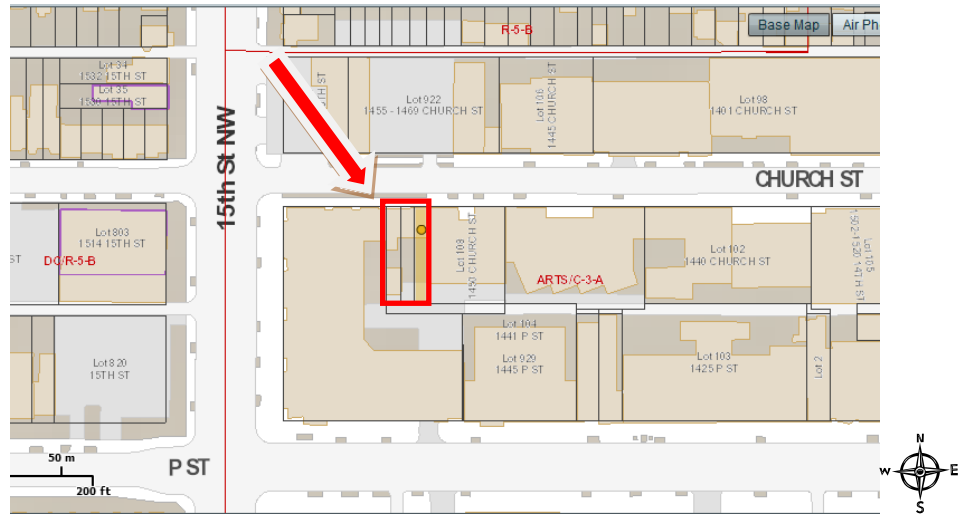
**III. APPLICATION IN BRIEF**

Rosebusch LLC and Gregg M. Busch (the “Applicant”) proposes to construct an eight-story apartment building with 38 units (the “Project”). The site currently includes three 19<sup>th</sup> Century buildings, which would be largely retained in the proposed project. The center townhouse would serve as the entrance lobby, while the two other entrances to the townhouses would provide access to individual units. The site would include two substandard parking spaces, one of which would be reserved for the building manager and the other would be used for handicapped parking or a car-share space.

The Project is located in the Greater 14<sup>th</sup> Street Historic District and Uptown Arts Overlay. The project received HPRB approval on June 27, 2013. The Project requires special exception relief for the proposed nonconforming roof structures (§§ 411.3, 411.5, 770.6 and 1902.1(a)) and rear yard (§774.2), as well as variance relief for the proposed nonconforming lot occupancy (§ 2604.2) and number of parking spaces (§ 2101.1).

**IV. ZONING REQUIREMENTS and REQUESTED RELIEF**

<b>ARTS/C-3-A Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height § 400	75 ft. max.	30 ft.	75 ft.	None required
Lot Width § 401	NA	37’-6”	37’-6”	None required
Lot Area § 401	NA	3,420 sf.	3,420 sf.	None required
Floor Area Ratio § 402	5.3	NA	5.25	None required
Side Yard § 405	0 ft.	0 ft.	0 ft.	None required
Court § 406	NA	NA	NA	None required
Rooftop Structures § 411	8’ 6”	NA	14’	<b>Relief required</b>
Rear Yard § 774	NA	15.6 ft.	13.5 ft.	<b>Relief required</b>
Arts Overlay § 1902	NA	NA	NA	<b>Relief required</b>
Parking § 2101.1	19 spaces	NA	0 spaces	<b>Relief required</b>
Lot Occupancy § 2604.2	80% max.	32%	85%	<b>Relief required</b>



**Subject Property**

## **V. OFFICE OF PLANNING ANALYSIS**

### **a. Variance Relief from § 2604.2 (lot occupancy) and § 2101.1 (parking)**

#### **i. Exceptional Situation Resulting in a Practical Difficulty**

The property is characterized by an exceptional situation and condition due to the presence and location of three historic structures on the property that are proposed to be incorporated in the new development, as well as exceptionally narrow (38 feet) and small lots (totaling 3,420 square feet).

#### § 2604.2 Lot Occupancy

The Zoning Regulations permit structures in the C-3-A District to occupy up to 80% of the lot through Inclusionary Zoning (IZ). The Applicant states that occupying 85% of the lot is necessary to complete the project because preservation of the three historic structures would impact the design and layout of the proposed development. The setbacks necessary to accommodate the existing three historic structures pushes much of the building to the rear of the site. The three historic structures, combined with the narrow and small dimensions of the lot, limit and constrain the proposed structure's floor plate. Interior circulation spaces of a sufficient size for proper egress, as well as sufficient space for residential units with a reasonable depth and configuration, contribute to the Project's need for a larger footprint. The lot occupancy of the upper floors (Floors 4-8), above the height of the existing buildings, would comply with the Regulations.

#### § 2101.1 Parking

§ 2101.1 requires one parking space for every two units. The proposed project would include 38 units, and would therefore need to provide 19 spaces, each measuring at least 9 feet long and 19 feet wide. The Applicant proposes to provide two substandard spaces.

The site's dimensions create a practical difficulty for the Applicant in that the lot is not large enough to accommodate the required 19 spaces. In addition, below-grade parking would similarly be impractical; the narrow width of the lot, combined with the site's existing historic structures, would not allow for excavation of the site to provide below-grade parking, ramps for two-way circulation, or a turning radius sufficient to access a parking garage.

#### **No Substantial Detriment to the Public Good**

The Project would repair and renovate historic buildings and would help to revitalize the 1400 block of Church Street NW. In addition, the proposed lot occupancy should not substantially impact the light and air to neighboring properties. The Applicant proposes, as a condition of the Project's approval, that residents would not be eligible for a residential parking permit (RPP). Further, the Project would include 13 interior bicycle spaces for building residents and each initial tenant of every unit

would be offered a one-year membership to Capital Bikeshare or a car share company.

**ii. No Substantial Harm to the Zoning Regulations**

There would be no substantial impairment to the intent, purpose and integrity of the Zoning Regulations and Map should the Board grant the requested variances. The proposed project would be consistent with the goals of the Arts Overlay and would provide a project with mixed-income housing.

The Project would have access to a variety of transportation options for its residents. The property is located within walking distance of two metro stations and is on WMATA bus routes and close to two bikeshare locations. The Subject Property has a walkscore of 100. In addition, 13 interior bicycle spaces would be provided. Alternative means of transportation such as bike, bus and Metrorail should mitigate the proposed elimination of parking spaces.

**b. Special Exception Relief pursuant to § 411 (Roof Structures), § 774.1 (Rear Yard), and § 1902.2 (ARTS Overlay Setback)**

**i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?**

§ 411 Roof Structures

The Applicant is seeking special exception relief from § 411.3, which requires that equipment be enclosed in one enclosure, and § 411.5, which requires that enclosing walls from roof level shall be of equal height. The roof structures would vary in height between 8 feet 6 inches and 14 feet. The Application indicates that flexibility is necessary to accommodate the Project's egress stairs and mechanical equipment for the elevator penthouse.

Combining the roof structures in one structure of a single height would increase the visibility of the roof structure, as it would be a significantly larger and taller structure than those that are proposed. The structures would be sufficiently set back from the street frontages, reducing their visibility from the street level. Overall, the location and design of the rooftop structures should minimize their visual impact.

§ 774.1 Rear Yard

§ 774.1 requires the Project to include a rear yard approximately 15.6 feet in depth. The Applicant proposes a rear yard with a depth of 13.6 feet. Setbacks from the historic structures are necessary to provide sufficient separation between new and historic structures, while at the same time the Project must provide sufficient space for interior circulation and a reasonable depth and configuration for the proposed residential units.

Pursuant to § 744.2, the Board may waive rear yard requirements pertaining to a C-3-A District, provided that the following standards are met:

774.3 *Apartment and office windows shall be separated from other buildings that contain facing windows a distance sufficient to provide light and air and to protect the privacy of building occupants.*

The proposed Project should ensure sufficient light and air and privacy. The Subject Property's rear elevation is separated from the adjacent property by a 10 foot alley. In addition, the adjacent property also includes a rear yard, providing further separation. The proposed Project would not include apartment windows facing the office windows of adjacent buildings.

774.4 *In determining distances between windows in buildings facing each other, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be sufficient to provide adequate light and privacy to the rooms.*

The proposed design appeared to limit the angle of sight lines and to minimize the distance of penetration of sight lines into habitable rooms. The rear alley separates the proposed Project's rear windows from the residential building to the south.

774.5 *The building plan shall include provisions for adequate off-street service functions, including parking and loading areas and access points.*

The proposed building plan includes adequate off-street service functions. The Applicant has requested relief to limit on-site parking to two sub-standard parking spaces. No loading facilities are required or provided for the building, although access would be available from the alley.

774.6 *Upon receiving an application for an approval under § 774.2, the Board shall submit the application to the D.C. Office of Planning for coordination review, report, and impact assessment, along with reviews in writing of all relevant District of Columbia departments and agencies including the Departments of Transportation and Housing and Community Development and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.*

The Applicant has coordinated with OP and DDOT on the review of this Project. The Applicant received conceptual design approval from HPRB on June 27, 2013.

§ 1902.1(a) Uptown Arts Overlay

§ 1902.1(a) requires that no roof structure may exceed a height of 83.5 feet above the measuring point used for the building. The Applicant proposes that a portion of the roof structure exceed the Uptown Arts Overlay height requirement by 6 feet 3 inches to accommodate elevator override equipment. Pursuant to § 1906.1, the BZA may grant relief from the requirements of the ARTS Overlay as special exceptions, provided certain criteria are met:

- i. *The uses, buildings, or features at the size, intensity, and locations proposed, will substantially advance the purposes of the ARTS Overlay District and will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area;*

The Project would include residential development and adaptive reuse of three older structures, which is consistent with the ARTS Overlay. The ARTS Overlay supports developments which strengthen the design character of the area; the rooftop structures are designed to be minimally visible from the street and to limit their impact on the light and air of neighboring properties. In addition, the rooftop structures would be clad in complementary materials for integration with the overall project. The rooftop structures would not be detrimental to the health, safety, convenience, or general welfare of persons in the area.

- ii. *Exceptional circumstances affecting the property make compliance with the requirements of this chapter difficult or impossible, or the development provides alternative public benefits in lieu of the excepted uses or features that are of comparable value to the public in achieving the purposes of this chapter and of the Comprehensive Plan;*

The site is exceptionally narrow (38 feet wide) and small (3,420 square feet). Interior circulation spaces of a sufficient size for proper egress, as well as sufficient space for residential units with a reasonable depth and configuration, contribute to the request for additional height. The structure would be clad in complementary materials and sufficiently set back from the street frontages, reducing its visibility from the street level.

- iii. *The architectural design concept of the project will enhance the urban design features of the immediate vicinity in which it is located; provided, if a historic district or historic landmark is involved, the Board shall refer the application to the State Historic Preservation Officer for review and report;*

The property is located in the Greater 14<sup>th</sup> Street Historic District and would enhance the urban design of the area. The height and mass of the Project is consistent with that of other projects on the block, some of which are set back behind the retained small scaled historic buildings. The Project's contemporary design reflects a modern addition to the block. The Project has received concept approval from the HPRB.

- iv. *Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions; and*

The Applicant states that vehicular access will take place via the alley, and would be designed to minimize conflicts with pedestrian pathways, function efficiently, and avoid dangerous or otherwise objectionable traffic conditions.

- v. *The Board may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the ARTS Overlay District.*

The penthouse would only be used as necessary to allow elevator access to the roof, and would be set back significantly from adjacent property lines and streets. The structures would be minimally visible from public space.

**ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?**

The neighboring properties would not be adversely impacted because the proposed roof structure of varying height diminishes the impact on the amount of light and air compared to a matter of right roof structure.

**VI. COMMUNITY COMMENTS**

ANC 2F voted 7-0-1 to support the Project at its regularly scheduled meeting on June 5, 2013. OP received comments from the Metropole Condominium Association, which is located at 1515 15<sup>th</sup> Street NW. The Metropole Condominium Association expressed concerns about the proposed Project's light and air, as well as impact on traffic and parking. OP has also received five letters from neighbors in support of the Project.